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Attorney for Plaintiff
Youyi Wu

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Youyi Wu,

Plaintiff,

v.

Alberto Gonzales, United States Attorney
General;
Michael Chertoff, Secretary of the
Department of Homeland Security;
Emilio T. Gonzalez, Director of United States
Citizenship and Immigration Services;
David Still, San Francisco District Director,
United States Citizenship and Immigration
Services;
Robert S. Mueller, Director of Federal
Bureau of Investigation,

Defendants.

Case No. C 07-03469 JF

**JOINT CASE MANAGEMENT
STATEMENT AND [PROPOSED]
ORDER**

The parties to the above-entitled action jointly submit this Case Management Statement
and Proposed Order and request the Court adopt it as its Case Management Order in this case.

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1. Jurisdiction and Service: Plaintiff asserts that the basis for the Court's jurisdiction is 8 U.S.C. § 1447(b). No issues exist regarding personal jurisdiction or venue, and all parties have been served.
2. Facts: There are no factual issues currently in dispute. Plaintiff, Youyi Wu, is a lawful permanent resident of the United States. Plaintiff filed an N-400, *Application for Naturalization*, with the United States Citizenship and Immigration Services ("USCIS") on October 20, 2005, and had his naturalization interview on March 15, 2006. At the interview, DHS Officer Nguyen indicated to Plaintiff that his application was pending due to the FBI Name Check. Plaintiff filed this action on July 2, 2007, contending that Defendants have failed to make a decision on his application within 120 days after his initial examination, in violation of 8 U.S.C. § 1447(b).
3. Legal Issues: Whether the Court should remand and impose a specific deadline for Defendants to complete adjudication of Plaintiff's N-400 application.
4. Motions: There are no prior or pending motions.
5. Amendment of Pleadings: No parties, claims, or defenses are expected to be added or dismissed.
6. Evidence Preservation: There is no evidence that falls within this category.
7. Disclosures: The parties believe that this case is exempt from the initial disclosure requirements under Fed. R. Civ. P. 26.
8. Discovery: The parties do not believe that discovery will be necessary at this time.
9. Class Actions: This action is not a class action.
10. Related Cases: At this time, the parties believe that there are no related cases.
11. Relief: Plaintiff seeks either: (1) the Court assume jurisdiction over this matter and approve Plaintiff's Application, or (2) an order from this Court directing USCIS to complete adjudication of Plaintiff's application within 60 days of receiving such order.
12. Settlement and ADR: The parties filed a Joint Request to be Exempt from Formal ADR Process on September 14, 2007. The possibility of settlement still exists.
13. Consent to Magistrate Judge for All Purposes: The parties would consent to proceed before a Magistrate Judge for all further proceedings including trial and entry of judgment.

14. Other References: The parties believe that this case is not suitable for binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues: The issue in this case is whether the Court can issue a remand order for Plaintiff's N-400 application with a specific deadline for completion. Plaintiff seeks a remand order with specific instructions that Defendants complete adjudication of his N-400 within 60 days of receiving such order. Defendants seek a remand order without a specified deadline.

16. Expedited Schedule: The parties propose the following Expedited Schedule: Within 60 days of the Case Management Conference, each party shall submit a memorandum of law, not to exceed 10 pages, with a proposed remand order. Unless the Court requires additional information, the matter will be deemed submitted upon the filing of the memoranda of law, and the Court will make its final ruling.

17. Scheduling: The competing memoranda of law and proposed orders shall be due on Tuesday, December 4, 2007.

18. Trial: The parties do not believe that trial will be necessary.

19. Disclosure of Non-party Interested Entities or Persons: The parties intend to file the "Certification of Interested Entities or Persons" as required by Civil Local Rule 3-16.

20. Such other matters as may facilitate the just, speedy, and inexpensive disposition of this matter: None

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2 Dated: September 28, 2007

Respectfully Submitted,

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4 _____/s/
5 Justin G. Fok
6 Law Offices of Jean D. Chen
7 Attorney for Plaintiff

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9 Dated: September 28, 2007

10 _____/s/
11 Melanie L. Proctor
12 Assistant United States Attorney
13 Attorney for Defendants

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15 **CASE MANAGEMENT ORDER**

16 The Case Management Statement and Proposed Order is hereby adopted by the Court as
17 the Case Management Order for the case and the parties are ordered to comply with this Order.
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20 Dated:

21 _____
22 Jeremy Fogel
23 United States District Judge
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